

SCANNED

DATE: 4-19-04BY: CyBUNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTSFILED  
CLERKS OFFICE

2004 APR 15 P 12:13

U.S. DISTRICT COURT  
DISTRICT OF MASS.THOMAS J. MCNAMARA,  
Plaintiff

v.

MASSACHUSETTS WATER RESOURCES  
AUTHORITY, LEROY WALKER, PETER  
YAROSHI, CAROLYN FIORE, VICTOR  
L'ESPERANCE and KAREN BAILEY,  
Individually and in their capacities as Agents  
of the Massachusetts Water Resources  
Authority,  
Defendants

C.A. NO. 041035BWGY

April 26, 2004YOUNG, D.J., *as modified*  
So ordered as the case management  
scheduling order.Discovery due March 28, 2005Dispositive Motions due March 1, 2005William A. Young  
U.S. District JudgeJOINT STATEMENT PURSUANT TO LOCAL RULE 16.1

Now come the Parties, by their respective counsel and, in compliance with Local Rule 16.1(D), respectfully state that they have conferred and now submit the following Joint statement:

(1) Agenda of matters to be discussed:

Discovery schedule, Rule 26(f) Disclosures, ADR, potential assignment of this matter to a U.S.M.J., and the Defendant's pending Rule 12b(6) Motion.

(2) Joint Discovery Plan:

(a) Plaintiff's Proposed Discovery – Potential Rule 30(b)(6) Deposition of the Defendant, Massachusetts Water Resources Authority (MWRA), and Depositions of those persons having relevant knowledge regarding McNamara's employment with the MWRA, including any follow up depositions of their testimony, if necessary. The

total number of depositions not to exceed the rule allotted ten, unless the Court so allows for good cause shown. Interrogatories, Requests for Production of Documents, and Requests for Admissions not to exceed limit permitted by the Rule.

(b) Defendant's Proposed Discovery – Depositions of Plaintiff, and Depositions of those persons having relevant knowledge regarding McNamara's employment with the MWRA, including any follow up depositions of their testimony, if necessary. Depositions of health care providers. The total number of depositions not to exceed the rule allotted ten, unless the Court so allows for good cause shown. Interrogatories, Requests for Production of Documents, and Requests for Admissions not to exceed Rule permitted limit.

Defendant's position generally however as to Discovery is that there should be none preceding this Court's Ruling on its pending Motion to Dismiss.

(c) Phased Discovery – The Parties do not believe that Phased Discovery is appropriate in this action.

(3) Proposed Schedule of Motions and Suggested Deadlines:

All Discovery requests, with the exception of Expert Discovery, to be served no later than June 30, 2004. (Providing the Court has ruled on the defendants' Motion to Dismiss.)

Completion of all said Discovery Requests, with the exception of Expert Discovery, by December 31, 2004.

Plaintiff's Rule 26(a) (2)(A) and/or (B) expert disclosures if any, filed and served

by October 30, 2004; Defendant's, if any, by November 30, 2004. All expert Depositions completed by March 28, 2005.

All Motions and Oppositions under Fed. R. Civ. P. 56(c), if any, to be filed by March 1, 2005.

~~Final Pretrial Conference on April 30, 2005~~ and the Parties will be ready for trial in May 2005 or within a reasonable time thereafter dictated by this Court availability for conducting the trial.

(4) ADR – the parties agree to mediate through an ADR program sponsored by this Court.

(5) Settlement Proposals – \$450,000.

(6) Certifications – Certifications pursuant to Local Rule 16.1(D) are filed under separate cover.

Anthony Errichetti,

MASSACHUSETTS WATER  
RESOURCES AUTHORITY,

By his attorney,

By its attorney,

Gary Nolan (by BGP)

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Dated: April 15, 2004